

### **I. ELECTION**

The Examiner, in the Restriction Requirement, has required Applicant to elect one particular antibody that binds TGF $\beta$  and to provide:

- (a) the applicable variable heavy (VH) chain SEQ ID NO.;
- (b) the applicable variable light (VL) chain SEQ ID NO.; and
- (c) the applicable CDR sequences.

In response, Applicant provisionally elects with traversal a species corresponding to the 6B1 antibody which comprises:

- (a) the 6H1 VH, of which the amino acid sequence is shown in Figure 2(a)(i) (SEQ ID NO: 6) and which has the following CDR sequences:

- (1) CDR1 of sequence SYGMH
- (2) CDR2 of sequence VIWYDGSNKYYADSVKG; and
- (3) CDR3 of sequence TLESSL

- (b) the 6B1 VL, of which the amino acid sequence is shown in Figure 2(b)(iii) (SEQ ID NO: 43) and which has the following CDR sequences:

- (1) CDR1 of sequence QGDSLRSYYAS
- (2) CDR2 of sequence GKNNRPS
- (3) CDR3 of sequence NSRDSSSTHRGV

for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicants expressly reserve the right to prosecute claims directed to the remaining allegedly distinct species in one or more continuing or divisional applications.

Claims generic to such species are claims 1-5, 13-23 and 34-39. Claims reading more particularly on the species include claims 19-21 and 23.

Applicant traverses the request for election of species and submits that prosecution on the merits should not be limited to the elected species because Applicant believes that the generic claims are themselves patentable. In view thereof, Applicant requests that prosecution on the merits be directed to claims 1-39.